In re U.S. Patent Application of)	
Burgess, et al.)	
)	Examiner: Starks, Wilbert L.
Application No. 09/887,188 .)	
)	Group Art Unit: 2129
Filed: June 22, 2001)	
)	Confirmation No. 7248
For: Simulation Enabled Retail)	
Management Tutorial System)	

RESPONSE TO NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

    This paper is in response to the Notice of Abandonment mailed May 16, 2007. The Notice states that this application went abandoned for failure to file a response to the Office Action mailed November 14, 2006; however, a response was proper and timely filed on May 14, 2007. Thus, a Notice of Abandonment was incorrectly issued.

    We attach herewith a copy of the Response to Non-Final Office Action electronically filed on May 14, 2007, along with a copy of the Acknowledgement Receipt issued by the Patent Office as evidence of our submission.

    No fee is believed due, however, the commissioner is authorized to charge any fee or credit to Deposit Account No. 19-0733.

<table>
<tr><td></td><td>Respectfully submitted,</td></tr>
<tr><td>Date: July 24, 2007</td><td>By: [signature]</td></tr>
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,188	06/22/2001	Olivia Ruth Burgess	05222.00141	7248

29638   7590   05/16/2007

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EXAMINER
STARKS, WILBERT L

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
05/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

005222.00141
DOCKETED

MAY 2 4 2007
Notice of Aband.

	Application No.	Applicant(s)
Notice of Abandonment	09/887,188	BURGESS ET AL.
	Examiner	Art Unit	
	Wilbert L. Starks, Jr.	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on <u>14 November 2006</u>.

    (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

    (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

        (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

    (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

    (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

    (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

    (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

        The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.

    (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

    (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

    (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

    Examiner called attorney of record on 14 MAY 07. There was no answer, but message was left.

Wilbert L. Starks, Jr.
Primary Examiner
Art Unit: 2129

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Electronic Acknowledgement Receipt

EFS ID:	1770856
Application Number:	09887188
International Application Number:	
Confirmation Number:	7248
Title of Invention:	A SIMULATION ENABLED RETAIL MANAGEMENT TUTORIAL SYSTEM
First Named Inventor/Applicant Name:	Olivia Ruth Burgess
Customer Number:	29638
Filer:	Kenneth Smolik/Alma Bahena
Filer Authorized By:	Kenneth Smolik
Attorney Docket Number:	05222.00141
Receipt Date:	14-MAY-2007
Filing Date:	22-JUN-2001
Time Stamp:	13:48:26
Application Type:	Utility

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$ 1070
RAM confirmation Number	2089
Deposit Account	190733
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1		Amendment141.pdf	998557	yes	18

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Amendment - After Non-Final Rejection		1	1
Claims		2	13
Applicant Arguments/Remarks Made in an Amendment		14	17
Extension of Time		18	18

Warnings:

Information:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
2	Fee Worksheet (PTO-06)	fee-info.pdf	8337	no	2

Warnings:

Information:

Total Files Size (in bytes):		1006894

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Patent Application Fee Transmittal

Application Number:	09887188
Filing Date:	22-Jun-2001
Title of Invention:	A SIMULATION ENABLED RETAIL MANAGEMENT TUTORIAL SYSTEM
First Named Inventor/Applicant Name:	Olivia Ruth Burgess
Filer:	Kenneth Smolik/Alma Bahena
Attorney Docket Number:	05222.00141

Filed as Large Entity

Utility   Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	1202	1	50	50
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	1253	1	1020	1020
Miscellaneous:				
			Total in USD ($)	1070

In re U.S. Patent Application of)
    Burgess, et. al.)
)
Application No. 09/887,188) Examiner: Starks, Wilbert L.
)
Filed: June 22, 2001) Group Art Unit: 2129
)
For: SIMULATION ENABLED RETAIL) Confirmation No. 7248
      MANAGEMENT TUTORIAL SYSTEM)
)
)

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated November 14, 2006, please enter the following response. The Examiner set a three-month period for response, thus making this Amendment due on or before February 14, 2006. Applicant is requesting a three-month extension. The Commissioner is authorized to charge any associated fees to Deposit Account No. 19-0733.

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks begin on page 14 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.   **(Currently Amended)** A computer-readable medium for creating a presentation and having computer-executable instructions for performing the steps comprising:

    (a) receiving an indicia representative of a store goal, the indicia identifying training that is associated with the store goal, the store goal corresponding to a student being trained in an aspect of inventory administration for a store;

    (b) integrating retail information that provides assistance with achieving the store goal;

    (c) monitoring progress of a the student toward the store goal; and

    (d) providing feedback assisting the student in accomplishing the store goal.

2.   **(Previously Presented)** The computer-readable medium of claim 1 and having computer-executable instructions for performing the step comprising indexing media information to enhance the integration of the media information into the presentation.

3.   **(Currently Amended)** The computer-readable medium of claim 1 that simulates the operations of a the store, wherein inventory control is integrated into the presentation.

4.   **(Currently Amended)** The computer-readable medium of claim 1 that simulates the operations of a the store, wherein pricing strategy is integrated into the presentation.

5.   **(Currently Amended)** The computer-readable medium of claim 1 that simulates the operations of a the store, wherein return on revenue is integrated into the presentation.

6.   **(Currently Amended)** The computer-readable medium of claim 1 that simulates the operations of a the store, wherein markdown is integrated into the presentation.

7.　　　**(Currently Amended)** The computer-readable medium of claim 1 that simulates ~~the~~ operations of ~~a~~ the store, wherein stocking is integrated into the presentation.

8.　　　**(Currently Amended)** The computer-readable medium of claim 1 that simulates ~~the~~ operations of ~~a~~ the store, wherein assortment strategy is integrated into the presentation.

9.　　　**(Currently Amended)** The computer-readable medium of claim 1 that simulates ~~the~~ operations of ~~a~~ the store, including the step of adjusting an example based on the student's progress.

10.　　　**(Currently Amended)** An apparatus that creates a presentation, comprising:

(a) a processor;

(b) a memory that stores information under the control of the processor;

(c) logic that receives indicia representative of a store goal, the indicia identifying training that is associated with the store goal, the store goal corresponding to a student being trained in an aspect of inventory administration for a store;

(d) logic that integrates retail information that provides assistance with achieving the store goal; and

(e) logic that monitors progress of ~~a~~ the student toward the store goal and provides feedback that assists the student in accomplishing the store goal.

11.　　　**(Original)** An apparatus that creates a presentation as recited in claim 10, wherein advertising information is integrated into the presentation.

12.　　　**(Original)** An apparatus that creates a presentation as recited in claim 10, wherein inventory control is integrated into the presentation.

13.　　　**(Original)** An apparatus that creates a presentation as recited in claim 10, wherein pricing strategy is integrated into the presentation.

14.　　　**(Original)** An apparatus that creates a presentation as recited in claim 10, wherein return on revenue is integrated into the presentation.

15.   **(Original)** An apparatus that creates a presentation as recited in claim 10, wherein markdown is integrated into the presentation.

16.   **(Original)** An apparatus that creates a presentation as recited in claim 10, wherein stocking is integrated into the presentation.

17.   **(Original)** An apparatus that creates a presentation as recited in claim 10, wherein assortment strategy is integrated into the presentation.

18.   **(Original)** An apparatus that creates a presentation as recited in claim 10, including logic that adjusts an example based on the student's progress.

19.   **(Currently Amended)** A computer-readable medium for creating a presentation and having computer-executable instructions for performing the steps comprising:

   (a)   receiving information indicative of a goal, the information identifying training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

   (b)   integrating information that motivates accomplishment of the goal; and

   (c)   evaluating the progress toward the goal and providing feedback that further motivates accomplishment of the goal.

20.   **(Previously Presented)** The computer-readable medium of claim 19 and having computer-executable instructions for performing the step comprising linking information that motivates accomplishment of the goal to the presentation.

21.   **(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information includes electronic mail information.

22.   **(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information includes simulation information.

23.   **(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information includes time-synchronized multimedia information.

24.   **(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information includes video conference information.

25.　　**(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information emanates from the Internet.

26.　　**(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information includes telephony information.

27.　　**(Previously Presented)** The computer-readable medium of claim 19 for creating a presentation, wherein the information includes chat room information.

28.　　**(Currently Amended)** An apparatus that creates a presentation, comprising;

　　(a)　　a processor;

　　(b)　　a memory that stores information under the control of the processor;

　　(c)　　logic that receives information indicative of a goal, the information identifying training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

　　(d)　　logic that integrates information that motivates accomplishment of the goal; and

　　(e)　　logic that evaluates the progress toward the goal and provides feedback that further motivates accomplishment of the goal.

29.　　**(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information includes video information.

30.　　**(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information includes electronic mail information.

31.　　**(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information includes time-synchronized multimedia information.

32.　　**(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information includes video conference information.

33.　　**(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information emanates from the Internet.

34.   **(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information include telephone information.

35.   **(Original)** An apparatus that creates a presentation as recited in claim 28, wherein the information includes chat room information.

36.   **(Currently Amended)** A computer-readable medium for creating a presentation and having computer-executable instructions for performing the steps comprising:

(a)   presenting information indicative of a goal, the information identifying training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

(b)   integrating information that motivates accomplishment of the goal;

(c)   querying a user for answers to one or more questions based on one or more learning objectives of the presentation using a simulated human conversation; and

(d)   monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal.

37.   **(Previously Presented)** The computer-readable medium of claim 36 and having computer-executable instructions for performing the step comprising indexing media information to enhance the integration of the media information into the presentation.

38.   **(Previously Presented)** The computer-readable medium of claim 36 and having computer-executable instructions for performing the step comprising synchronizing the media information with other information in the presentation utilizing time and the indexing.

39.   **(Previously Presented)** The computer-readable medium of claim 36, wherein the media information comprises telephone information.

40.   **(Previously Presented)** The computer-readable medium of claim 36, wherein the media information comprises video information.

41.   **(Previously Presented)** The computer-readable medium of claim 36, wherein the media information comprises audio information.

42.　　**(Previously Presented)** The computer-readable medium of claim 36, wherein the media information comprises dialog information.

43.　　**(Previously Presented)** The computer-readable medium of claim 36, wherein the media information comprises Internet information.

44.　　**(Previously Presented)** The computer-readable medium of claim 36, wherein the media information comprises text information.

45.　　**(Currently Amended)** An apparatus that creates a presentation, comprising;

　　(a)　　a processor;

　　(b)　　a memory that stores information under the control of the processor;

　　(c)　　logic that presents information indicative of a goal, the information identifying training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

　　(d)　　logic that integrates information that motivates accomplishment of the goal;

　　(e)　　logic that queries a user for answers to one or more questions based on more or more learning objectives of the presentation using a simulated human conversation; and

　　(f)　　logic that monitors progress toward the goal and provides feedback that further motivates accomplishment of the goal.

46.　　**(Original)** An apparatus that creates a presentation as recited in claim 45, including logic that indexes media information to enhance the integration of the media information into the presentation.

47.　　**(Original)** An apparatus that creates a presentation as recited in claim 45, including logic that synchronizes the media information with other information in the presentation utilizing time and the indexing.

48.　　**(Original)** An apparatus that creates a presentation as recited in claim 45, wherein the media information comprises telephone information.

49.   **(Original)** An apparatus that creates a presentation as recited in claim 45, wherein the media information comprises video information.

50.   **(Original)** An apparatus that creates a presentation as recited in claim 45, wherein the media information comprises audio information.

51.   **(Original)** An apparatus that creates a presentation as recited in claim 45, wherein the media information comprises dialog information.

52.   **(Original)** An apparatus that creates a presentation as recited in claim 45, wherein the media information comprises Internet information.

53.   **(Original)** An apparatus that creates a presentation as recited in claim 45, including logic that creates a multimedia presentation as recited in claim 46, wherein the media information comprises text information.

54.   **(Currently Amended)** A computer-readable medium for creating a presentation and having computer-executable instructions for performing the steps comprising:

　　　　(a)   presenting information indicative of a goal, the information identifying training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

　　　　(b)   integrating information that motivates accomplishment of the goal; and

　　　　(c)   monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal.

55.   **(Previously Presented)** The computer-readable medium of claim 54 and having computer-executable instructions for performing the step comprising linking information that motivates accomplishment of the goal to the presentation.

56.   **(Previously Presented)** The computer-readable medium of claim 54 and having computer-executable instructions for performing the step comprising monitoring user interactions to determine progress toward the goal.

57.   **(Previously Presented)** The computer-readable medium of claim 54 and having computer-executable instructions for performing the step comprising organizing objects according to relevancy to progress toward the goal.

58.   **(Previously Presented)** The computer-readable medium of claim 54 and having computer-executable instructions for performing the step comprising calculating a quantitative degree of correctness to determine the progress toward the goal.

59.   **(Previously Presented)** The computer-readable medium of claim 54 and having computer-executable instructions for performing the step comprising organizing feedback categorically.

60.   **(Previously Presented)** The computer-readable medium of claim 54, wherein the feedback is based on a dynamic orientation factor.

61.   **(Previously Presented)** The computer-readable medium of claim 54, wherein the feedback is based on past information presented.

62.   **(Previously Presented)** The computer-readable medium of claim 54 and having computer-executable instructions for performing the step comprising concluding the presentation when the goal is achieved.

63.   **(Currently Amended)** An apparatus that creates a presentation, comprising;

(a)   a processor;

(b)   a memory that stores information under the control of the processor;

(c)   logic that presents information indicative of a goal, the information identifying training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

(d)   logic that integrates information that motivates accomplishment of the goal; and

(e)   monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal.

64.   **(Original)** An apparatus that creates a presentation as recited in claim 63, including logic that links information that motivates accomplishment of the goal to the presentation.

65.   **(Original)** An apparatus that creates a presentation as recited in claim 63, including logic that monitors user interactions to determine progress toward the goal.

66.   **(Original)** An apparatus that creates a presentation as recited in claim 63, including logic that organizes objects according to relevancy to progress toward the goal.

67.   **(Original)** An apparatus that creates a presentation as recited in claim 63, including logic that calculates a quantitative degree of correctness to determine the progress toward the goal.

68.   **(Original)** An apparatus that creates a presentation as recited in claim 63, including logic that organizes feedback categorically.

69.   **(Original)** An apparatus that creates a presentation as recited in claim 63, wherein the feedback is based on a dynamic orientation factor.

70.   **(Original)** An apparatus that creates a presentation as recited in claim 63, wherein the feedback is based on past information presented.

71.   **(Original)** An apparatus that creates a presentation as recited in claim 63, including logic that completes the presentation when the goal is achieved.

72.   **(Currently Amended)** A computer-readable medium for creating a presentation and having computer-executable instructions for performing the steps comprising:

(a)   receiving indicia representative of a goal, the indicia identifying training that is associated with the ~~store~~ goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

(b)   integrating examples into the presentation to provide assistance with achieving the goal;

(c)   monitoring progress of ~~a~~ the student toward the goal;

(d)   providing feedback that further assists the student in accomplishing the goal; and

(e)   providing information to assist with a next step in achieving the goal.

73.   **(Previously Presented)** The computer-readable medium of claim 72 and having computer-executable instructions for performing the step comprising linking information that motivates accomplishment of the goal to the presentation.

74.   **(Previously Presented)** A method for creating a presentation as recited in claim 72, including the step of providing information that explains why the next step should be done.

75.   **(Previously Presented)** The computer-readable medium of claim 72 and having computer-executable instructions for performing the step comprising providing information that explains how the next step should be done.

76.   **(Previously Presented)** The computer-readable medium of claim 72 and having computer-executable instructions for performing the step comprising utilizing video clips as feedback.

77.   **(Previously Presented)** The computer-readable medium of claim 72 and having computer-executable instructions for performing the step comprising organizing feedback categorically.

78.   **(Previously Presented)** The computer-readable medium of claim 72, wherein the feedback is based on a dynamic orientation factor.

79.   **(Previously Presented)** The computer-readable medium of claim 72, wherein the feedback is based on past information presented.

80.   **(Previously Presented)** The computer-readable medium of claim 72 and having computer-executable instructions for performing the step comprising providing information based on the presentation context.

81.   **(Currently Amended)** An apparatus that creates a presentation, comprising;

(a)   a processor;

(b)   a memory that stores information under the control of the processor;

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(c)   logic that integrates examples into the presentation to provide assistance with achieving the goal, the examples providing training that is associated with the goal, the goal corresponding to a student being trained in an aspect of inventory administration for a store;

(d)   logic that monitors progress of a the student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal; and

(e)   logic that provides information to assist with a next step in achieving the goal.

82.   **(Original)** An apparatus that creates a presentation as recited in claim 81, including logic that links information that motivates accomplishment of the goal to the presentation.

83.   **(Original)** An apparatus that creates a presentation as recited in claim 81, including logic that explains why the next step should be done.

84.   **(Original)** An apparatus that creates a presentation as recited in claim 81, including logic that explains how the next step should be done.

85.   **(Original)** An apparatus that creates a presentation as recited in claim 81, including a code segment that utilizes video clips as feedback.

86.   **(Original)** An apparatus that creates a presentation as recited in claim 81, including logic that organizes feedback categorically.

87.   **(Original)** An apparatus that creates a presentation as recited in claim 81, wherein the feedback is based on a dynamic orientation factor.

88.   **(Original)** An apparatus that creates a presentation as recited in claim 81, wherein the feedback is based on past information presented.

89.   **(Original)** An apparatus that creates a presentation as recited in claim 81, including logic that provides information based on the presentation context.

90.   **(New)** The computer-readable medium of claim 1, wherein the aspect of inventory administration is selected from the group consisting of inventory management, stocking, return on revenue, markdown, and assortment strategy.

REMARKS

This Office Action is responsive to Applicant's communication filed on May 20, 2004. Claims 1-90 are pending with this paper. Claims 1-89 stand rejected by the Office Action.

Applicant acknowledges the withdrawal of the double patenting rejections of claims 1-4, 9, 10, 12, 13, 18-26, 28-33, 36-38, 40-47, 49-58, 61, 63-67, 70, 72-76, 79-85, and 88-89. (Page 42.)

Applicant is adding claim 90, which is supported by the specification as originally filed, e.g., page 1, line 41 to page 2, line 3.

Substance of Interview on April 24, 2007

Applicant and Examiner discussed the proposed amendment to claim 1 and the addition of claim 90. Examiner indicated that the proposed amendment to claim 1 would overcome the 101 rejections and the 102 prior art rejections (Bloom).

Other Amendments

Applicant is amending claims 3-8 to replace "the operations" with "operations" in order to provide a proper antecedent basis. Applicant is also amending claims 1, 3-9, 10, 72, and 81 to replace "a store" with "the store" because a proper antecedent basis is already provided.

Claims Rejections – 35 USC §101

Claims 1-89 are rejected under 35 U.S.C. § 101 allegedly for being directed to non-statutory subject matter.

Regarding claim 1, Applicant is amending the claim to include the feature of "the store goal corresponding to a student being trained in an aspect of inventory administration for a

-14-

store." The amendment is supported by the specification as originally filed. For example, the

present specification discloses (Page 1, line 41 to page 2, line 3.):

> A store management tutorial system is enabled for providing active coaching on
> aspects of inventory management, stocking, advertising, return on revenue,
> markdown, assortment strategy and other aspects of retail management. Techniques
> for process sensitive help are also integrated into the system to provide contextual
> examples to guide a user in performing a task.

The Office Action alleges that (Page 2, paragraph 2.):

> None of them (claims) is limited to practical application.

The Office Action further alleges that (Pages 40-41.):

> Applicant has not specified what the store goal actually is. It could be something
> purely mathematical, or nonrepeatable. Applicant's argument that his claims can
> be applied to "inventory management, stocking, advertising, return on revenue,
> markdown, assortment and **other aspects of retail management"** is insufficient
> to actually limit his claims to such applications. Those supposed "limitations" are
> only subsets of the actual matter limited by the claims. An argument using
> erroneously limiting subsets of the actual metes and bounds of the claims is not
> sufficient to limit the claims to statutory matter because the "claims must be given
> their broadest reasonable interpretation." See, MPEP 2111 (emphasis added.)

However, Applicant notes the store goal, as claimed in claim 1, corresponds to "a student being

trained in an aspect of inventory operations." Claim 1 should be accordingly interpreted with

respect to the feature. Applicant believes that the claim provides a useful, concrete, and tangible

result.

Applicant is similarly amending independent claims 10 to include the feature of "the

store goal corresponding to a student being trained in an aspect of inventory administration for a

store." Also, Applicant is amending independent claim 19 to include the feature of "the goal

corresponding to a student being trained in an aspect of inventory administration for a store."

Applicant is similarly amending independent claims 28, 36, 45, 54, 63, 72, and 81. Moreover,

claims 1-9, 11-18, 20-27, 29-35, 37-44, 46-53, 55-62, 64-71, 73-80, and 82-89 depend from the above independent claims. Applicant requests reconsideration of claims 1-89.

Claims Rejections – 35 USC §112

Claims 1-89 are rejected under 35 U.S.C. 112, first paragraph because current case law require such a rejection if a § 101 rejection is given.

Applicant requests withdrawal of the rejections under 35 U.S.C. 112, first paragraph for at least the reasons discussed above regarding the rejections under 35 U.S.C. § 101.

Claims Rejections – 35 U.S.C. §102

Claims 1, 10, 19, 28, 36, 45, 54, 63, 72, and 81 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,597,312 (Bloom).

Regarding claim 1, as discussed above, the claim includes the feature of "the store goal corresponding to a student being trained in an aspect of inventory administration for a store." As previously discussed, the present specification discloses (Page 1, line 41 to page 2, line 3. Emphasis added.):

> A store management tutorial system is enabled for providing active coaching on **aspects of inventory management, stocking, advertising, return on revenue, markdown, assortment strategy and other aspects of retail management.** Techniques for process sensitive help are also integrated into the system to provide contextual examples to guide a user in performing a task.

Bloom fails to teach anything about inventory administration for a store. Bloom merely discloses a platform for teaching customer service representatives (CSR's) procedures of their job when interacting with a customer. For example, a training CSR develops interaction skills by rehearsing customer contacts. Also, as discussed above, independent claims 10, 19, 28, 36, 45,
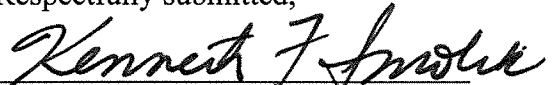
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54, 63, 72, and 81 include similar features and are not anticipated for at least the above reasons.

Applicant requests reconsideration of claims 1, 10, 19, 28, 36, 45, 54, 63, 72, and 81.

While the corresponding dependent claims were not rejected by the Office Action under 35 U.S.C. 102(b), Applicant notes that Bloom does not suggest anything about inventory control, pricing strategy, return on revenue, markdown, stocking, assortment strategy, and advertising as included in dependent claims 3-8 and 11-17.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (fees effective on or after December 8, 2004)	Docket Number (Optional) 005222.00141
Application Number 09/887,188	Filed 06/22/2001

For Simulation Enabled Retail Management Tutorial System	

Art Unit 2129	Examiner Starks, Wilbert L.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$120	$60	$_____
☐	Two months (37 CFR 1.17(a)(2))	$450	$225	$_____
☒	Three months (37 CFR 1.17(a)(3))	$1020	$510	$1020
☐	Four months (37 CFR 1.17(a)(4))	$1590	$795	$_____
☐	Five months (37 CFR 1.17(a)(5))	$2160	$1080	$_____

☐   Applicant claims small entity status. See 37 CFR 1.27.

☐   A check in the amount of the fee is enclosed.

☐   Payment by credit card. Form PTO-2038 is attached.

☐   The Director has already been authorized to charge fees in this application to a Deposit Account.

☒   The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0733 . I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the   ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 44,344

☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____ .

Kenneth F Smolik (Signature)	05/15/2007
Signature	Date
Kenneth F. Smolik	(312) 463-5000
Typed or printed name	Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.